

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated January 25, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 are pending in the Application. Claims 10-15 are added by this amendment. By means of the present amendment, claims 1-9 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include beginning dependent claims with "The" as opposed to "A". By these amendments, claims 1-9 are not amended to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Applicant furthermore reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claim 9 is rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Without agreeing with the position taken in the Office Action and in the interest of furthering the prosecution of this matter,

Applicant has elected to amend claim 9 as suggested in the Office Action. Accordingly, it is respectfully requested that the rejection of claim 9 be withdrawn.

Claims 1-9 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite due to use of the phrase "in particular for medical applications" in claims 1 and 8. Claims 1 and 8 are amended herein to remove this term from the claims. Accordingly, it is respectfully submitted that claims 1-9 are in proper form and it is respectfully requested that this rejection be withdrawn.

Claims 1-4, 8 and 9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2002/0097239 to Allen ("Allen"). Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Allen in view of U.S. Patent No. 6,538,672 to Dobbelaar ("Dobbelaar"). Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Allen in view of U.S. Patent No. 6,915,489 to Gargi ("Gargi"). Claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Allen in view of U.S. Patent Publication No. 2003/0158476 to Takabayashi ("Takabayashi"). It is respectfully submitted that claims 1-15 are allowable over Allen alone and in view of any combination of

Dobbelaar, Gargi and Takabayashi for at least the following reasons.

Allen shows a visualization system for manipulating a three dimensional array of images that utilizes "sliders 32 and 33 [which] are typical display devices which are provided by a conventional windowing display system." The Office Action interprets the sliders of Allen as showing the element "enabling a user to select a respective subrange of the range of values by scrolling substantially parallel to a horizontal x-axis or a vertical y-axis of a display via the manipulation unit" and "enabling a user to select a value for the additional attribute by scrolling substantially parallel to an imaginary z-axis via the manipulation unit" as recited in claim 1 and as similarly recited in claim 8 as stated on page 4 of the Office Action.

It is respectfully submitted that the system of claim 1 is not anticipated or made obvious by the teachings of Allen. For example, Allen does not disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis added) "a processor for, under control of a computer program, enabling a user to select a respective subrange of the range of values by scrolling substantially parallel to a horizontal x-axis without use

of a slider or a vertical y-axis of a display via the manipulation unit without use of a slider; enabling a user to select a value for the additional attribute by scrolling substantially parallel to an imaginary z-axis via the manipulation unit without use of a slider" as recited in claim 1, and as similarly recited in claim 8.

Allen shows use of sliders to manipulate the collection of images. Allen does not show manipulation of images by scrolling without use of a slider as recited in each of claims 1 and 8. Each of Dobbelaar, Gargi and Takabayashi are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Allen.

Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 8 are patentable over Allen alone and in view of any combination of Dobbelaar, Gargi and Takabayashi and notice to this effect is earnestly solicited. Claims 2-7 and 9-15 respectively depend from one of claims 1 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By Gregory L. Thorne

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
April 23, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101